



PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q65899

Toru MURATA

Appln. No.: 09/933,017

Group Art Unit: 2672

Confirmation No.: 6073

Examiner: Jeffery A. BRIER

Filed: August 21, 2001

For: ELECTRONIC PRESENTATION SYSTEM

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated September 1, 2006. Entry of this Reply Brief is respectfully requested.

Table of Contents

STATUS OF CLAIMS	2
GROUND OF REJECTION TO BE REVIEWED ON APPEAL	3
ARGUMENT	4
CONCLUSION	8

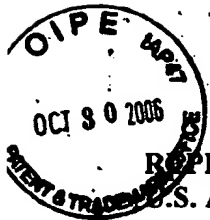


REPLY BRIEF UNDER 37 C.F.R. § 41.41
U.S. Appl. No. 09/033,017
9

Attorney Docket No.: Q65899

STATUS OF CLAIMS

A Final Office Action (Paper No. 20050908) rejecting claims 1-12, 15-21 and 23-26 was issued in this application on September 20, 2005. Appellant submitted an Amendment under 37 C.F.R. § 1.116 on December 20, 2005, canceling claims 15-21 and 23-26. In the Advisory Action of January 6, 2006, (Paper Number 20060103), the Examiner indicated that the December 20 Amendment has been entered.



REPLY BRIEF UNDER 37 C.F.R. § 41.41
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9

Attorney Docket No.: Q65899

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1-12 are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,782,548 to Miyashita in view of U.S. Patent No. 6,437,786 to Yasukawa.

ARGUMENT

Independent claims 1 and 7 each stand rejected as allegedly being obvious over Miyashita in view of Yasukawa. Specifically, the Response to Arguments section¹ of the Examiner's Answer acknowledges that Miyashita does not teach an Ethernet communication means wherein the Ethernet communication means is used to transfer said display contents, said display control, and said communication control. Thus, the Examiner looks to Yasukawa in an attempt to remedy this deficiency.

Miyashita discloses a projector which enables connection of a plurality of video sources, for example two or more video sources.² In addition to the video signal inputs, the projector disclosed by Miyashita receives control information from a computer through an RS-232C serial transmission line.³

Yasukawa discloses a network projector connected to a local area network (LAN) such that a controller in the projector may download a certain amount of predetermined image data from a networked server.⁴ Essentially, Yasukawa disclose a projector having an on-board computer for controlling the projector and downloading image data from a server.⁵

¹ See Examiner's Answer dated September 1, 2006 at page 13.

² See Miyashita at col. 6, line 65 to col. 7, line 12.

³ See Miyashita at col. 8, lines 5-6, 35-45.

⁴ See Yamashita at Fig. 1; col. 9, lines 23-55; col. 10, lines 13-24, 64-67

⁵ See Yamashita at col. 10, line 64 to col. 11, line 2; col. 13, lines 4-10.

9

The Examiner alleges that it would have been obvious to modify the dual input (i.e. video and RS-232C serial control line) system of Miyashita with the networked projector/computer of Yasukawa to produce the invention as set forth in claim 1. As motivation for this combination, the Examiner cites to Yasukawa at col. 1, line 19 to col. 2, line 41.⁶ However, these lines refer to the whole "Description of the Related Art" section of Yamashita. Appellant is unclear how the Examiner intends this whole section to supply the motivation, or indeed what specific motivation this whole section would refer to.

Turning now to the Examiner's *stated* motivations to combine, the Examiner provides two: 1) because the Ethernet network of Yasukawa is faster, and therefore would result in less delay of the delivery of images to the projector, and 2) such a combination would reduce the amount of cabling needed to carry video signals.⁷

As for the first suggested motivation, Appellant submits that there is no support in the prior art for this motivation. Specifically, Miyashita discloses that a system with separate video inputs and RS-232C control inputs allows for control of a presentation concurrently with the presentation. There is no support in Miyashita that a faster connection for transmitting operational data would improve image presentation, or improve image presentation that would be perceptible to the audience. Neither does Yasukawa support the proposition that a faster connection would result in improved image presentation, or improved perception by the

⁶ See Examiner's Answer, page 14, lines 12-17

⁷ See Final Office Action, paper no. 20050908, at pages 11-12; Examiner's Answer, dated September 1, 2006, pages 4-6.

audience. The network projector/computer of Yasukawa is focused, instead, on eliminating the need for a separate computer and redundant application programs running on that computer. Yasukawa does not address speed issues at all. For these reasons, Appellant respectfully submits that the Examiner's proposed combination is based on hindsight coupled with Appellant's disclosure. This is impermissible.

Turning to the second proffered motivation -- i.e. to reduce cabling, Appellant respectfully submits that the references actually support the opposite concept, i.e. that more cables are beneficial and provide increased functionality of the projector. Miyashita specifically describes at least two benefits of using at least two video inputs. First, a user may switch between the two in order to provide additional display possibilities.⁸ Second, using dual lines for video and control allows for control while the presentation is ongoing.² Yasukawa only concerns pre-recorded image data stored on servers.¹⁰ Thus, there is no support for this motivation in the prior art, and while reducing cables may have some intuitive appeal, the references actually evidence a desire to have multiple cables to attain increased functionality. Appellant, thus, respectfully submits that this motivation also is based on hindsight coupled with Appellant's disclosure.

⁸ See Miyashita at col. 7, lines 4-12.

² See Miyashita at col. 8, lines 14-22.

¹⁰ See Yasukawa, e.g., at col. 4, lines 34-36; col. 7, lines 4-8.

In addition to the arguments set forth above and in the Appeal Brief as filed on May 23, 2006, Appellants respond to certain points made in the Examiner's Answer as follows.

At page 15, lines 1-2 of the Examiner's Answer, the Examiner cites MPEP § 2125 as support for using Fig. 4 and 5 of Miyashita to allegedly show the video signal lines. However, Appellant notes that while § 2125 provides that drawings may be used as prior art, the same section also provides that there are limitations of such use. For example, proportions of features in a drawing are not evidence of actual proportions unless the reference says the drawings are explicitly to scale. In the instant case, Miyashita explicitly states that Fig. 4 is an "abbreviated" descriptive drawing¹¹, and that the projector 10 has a separate video line¹², as discussed at pages 12-13 of Appellant's Appeal Brief. Thus, Appellant submits that the Examiner's application of § 2125 is improper in this case.

At page 15, lines 14-18 of the Examiner's Answer, the Examiner argues that the Ethernet of Yasukawa would be desirable since it will provide for quicker page advance and reverse than an RS-232C communication line. However, as discussed above, Appellant respectfully submits that Yasukawa does not support this statement. Neither does Miyashita. Neither reference notes communication speed as being a problem, and thus neither addresses this issue. Thus, to the extent that the Examiner relies upon this motivation, the Examiner is using impermissible hindsight coupled with Appellant's disclosure.

¹¹ See Miyashita, col. 6, lines 27-35.

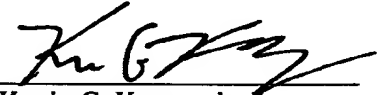
¹² See Miyashita, col. 12, lines 13-22.

With respect to the Examiner's comments on page 17 of the Examiner's Answer that claim 7 claims "to be displayed" rather than "currently displayed", Appellant notes that claim 7 recites a similar Ethernet communication feature as is present in claim 1.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,



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23373

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